

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN)
WOODARD SMITH, individually and as)
Administrators of the ESTATE OF HARRY)
SMITH, III)

Plaintiffs,)

v.)

C.A. No. 04-1254-GMS

CITY OF WILMINGTON, JOHN)
CIRITELLA, THOMAS DEMPSEY and)
MATTHEW KURTEN,)

Defendants.)

JURY TRIAL DEMANDED

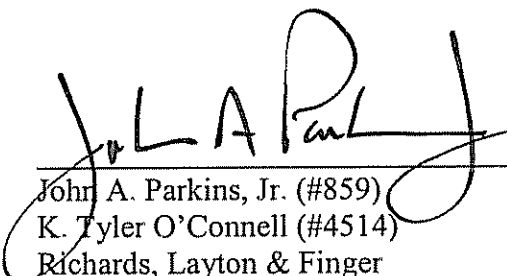
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants move the Court pursuant to Fed. R. Civ. P. 56 for summary judgment on all claims raised by plaintiffs in this action. In the event that the Court concludes that defendants are not entitled to summary judgment on all claims, defendants pray that the Court dismiss those claims for which the Court finds that summary judgment is appropriate. The grounds for this Motion are fully set forth in Defendants' Opening Brief in Support of Their Motion For Summary Judgment, filed contemporaneously herewith.

OF COUNSEL:

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Dated: June 14, 2006


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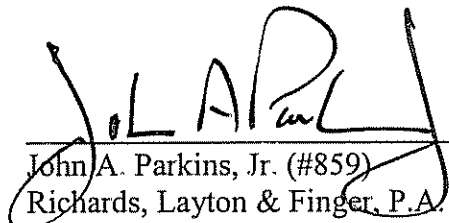
CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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I hereby certify that on June 14, 2006, I have sent by U.S. Regular Mail, the foregoing document to the following non-registered participants:

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